



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/00469/2013

THE IMMIGRATION ACTS

Heard at Bradford
On 15 July 2013

Determination Promulgated
On 12 September 2013

Before
MR C M G OCKELTON, VICE PRESIDENT
UPPER TRIBUNAL JUDGE CLIVE LANE

Between

SARAH OJUNDUN

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: *Miss S Khan*, instructed by Howells, Solicitors
For the Respondent: *Mr M Diwnycz*, a Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant who was born on 17 October 1978 is a citizen of Nigeria. She appeals to the Upper Tribunal against a decision of the First-tier Tribunal dated 29 April 2013.

2. The appellant's documents which were put before the First-tier Tribunal included a report of an expert witness, Bisi Olateru-Olagbegi. That witness's report considered inter alia, matters which touched upon the credibility of the appellant's account. Whilst she concluded that the core of the appellant's account was not credible [57] the First-tier Tribunal judge made no reference whatever to the report of the expert witness. We consider her failure to do so to be an error of law such that her determination falls to be set aside. Given that the credibility findings of the First-tier Tribunal cannot be considered reliable, we consider that it is appropriate for the appeal to be remitted to the First-tier Tribunal (not Judge Henderson) to remake the decision following a substantive fact-finding hearing.

DECISION

1. The determination of the First-tier Tribunal dated 29 April 2013 is set aside. The appeal is remitted to the First-tier Tribunal to remake the decision. None of the findings of fact of the First-tier Tribunal shall stand.

Signed

Date 15 July 2013

Upper Tribunal Judge Clive Lane